

alleging shipment on or about August 20 and 21, 1941, from the State of Maryland into the State of New York of quantities of poultry that was adulterated in that it consisted in whole or in part of a decomposed substance; and in that it was in whole or in part the product of animals, i. e. poultry which had died otherwise than by slaughter.

On February 11, 1942, a plea of nolo contendere was entered on behalf of the defendant and the court imposed a fine of \$100 and costs.

**2769. Adulteration of poultry. U. S. v. Boote's Hatcheries & Packing Co., Inc. Plea of guilty. Fine, \$150.** (F. D. C. No. 5482. Sample No. 46568-E.)

On January 27, 1942, the United States attorney for the District of Minnesota filed an information against Boote's Hatcheries & Packing Co., Inc., a corporation, Worthington, Minn., alleging shipment on or about December 24, 1940, from the State of Minnesota into the State of New York of a quantity of poultry that was adulterated in that it was in whole or in part the product of diseased animals.

On January 27, 1942, the defendant having entered a plea of guilty, the court imposed a fine of \$150.

**2770. Adulteration of poultry. U. S. v. Priebe & Sons, Inc. (W. B. Parrott Co.). Plea of guilty. Fine, \$100 and costs.** (F. D. C. No. 5481. Sample Nos. 56196-E to 56200-E, incl.)

On November 10, 1941, the United States attorney for the Northern District of Iowa filed an information against Priebe & Sons, Inc., trading as W. B. Parrott Co. at Manning, Iowa, alleging shipment on or about November 25, 1940, from the State of Iowa into the State of New York of a quantity of poultry that was adulterated in that it was in whole or in part the product of diseased animals. The article was labeled in part: "Choice Brand Poultry \* \* \* Wilson & Co. Dist. \* \* \* Chgo., Ill."

On November 10, 1941, the defendant having entered a plea of guilty, the court imposed a fine of \$100 and costs.

**2771. Adulteration of canned fried chicken. U. S. v. 5 Cases of Canned Fried Chicken. Default decree of condemnation and destruction.** (F. D. C. No. 5322. Sample No. 54051-E.)

Examination showed that this product was underprocessed and was undergoing progressive spoilage.

On August 5, 1941, the United States attorney for the Eastern District of Pennsylvania filed a libel against 5 cases, each containing 24 cans, of fried chicken at Philadelphia, Pa., alleging that the article had been shipped on or about March 6, 1941, by the Nomis Corporation from Jacksonville, Fla.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cans) "Penguin Brand Net Weight 10 Ounces Fried Milk Fed Chicken."

On September 8, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

### NUTS AND NUT PRODUCTS

**2772. Adulteration of pecan pieces. U. S. v. 15 Cases of Shelled Pecans. Consent decree of condemnation. Product ordered released under bond.** (F. D. C. No. 4784. Sample No. 29473-E.)

This product was contaminated with *Escherichia coli*.

On May 15, 1941, the United States attorney for the Southern District of Ohio filed a libel against 15 cases of shelled pecans at Cincinnati, Ohio, which had been consigned on or about April 10, 1941, alleging that the article had been shipped in interstate commerce by the Sunshine Pecan Shelling Co. from San Antonio, Tex.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. The article was labeled in part: "60 Lbs. Net. \* \* \* Small Pieces."

On June 18, 1941, the Sunshine Pecan Shelling Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be brought into compliance with the law under the supervision of the Food and Drug Administration.

**2773. Adulteration of pecan pieces. U. S. v. 98 Cartons of Pecans. Product ordered released under bond for salvaging.** (F. D. C. No. 5012. Sample No. 42421-E.)

Examination showed that this product contained curculio larvae.

On June 26, 1941, the United States attorney for the Western District of Pennsylvania filed a libel against 98 cartons of pecans at Pittsburgh, Pa., al-

leging that the article had been shipped in interstate commerce on or about May 1, 1941, by Merchants Refrigerating Co. from New York, N. Y.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance.

On October 8, 1941, the Southern Pecan Shelling Co., San Antonio, Tex., claimant, having admitted that the allegations of the libel were true with respect to a portion of the product and having consented to the entry of a decree of condemnation, judgment was entered ordering that the product be released under bond for reconditioning under the supervision of the Food and Drug Administration. The product was reconditioned by the removal of all filth.

**2774. Adulteration of walnut meats. U. S. v. 9 Cartons of Walnut Meats. Default decree of condemnation and destruction. (F. D. C. No. 3629. Sample No. 38439-E.)**

Examination of this product showed the presence of insect-infested, rancid, and moldy nuts.

On January 4, 1941, the United States attorney for the District of Minnesota filed a libel against 9 cartons of walnut meats at St. Paul, Minn., alleging that the article had been shipped in interstate commerce on or about September 26, 1940, by B. & O. Nut Corporation from San Francisco, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy and decomposed substance. The article was labeled in part: "Special Amber Walnut Halves and Pieces."

On March 12, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2775. Adulteration of peanut butter. U. S. v. Sessions Co., Inc. Plea of nolo contendere. Fine, \$100. (F. D. C. No. 5500. Sample Nos. 29321-E, 29433-E, 35244-E, 35417-E, 35418-E, 35901-E, 37777-E.)**

Samples of this product were found to contain rodent hairs, rodent excreta fragments, miscellaneous insect fragments, and larvae.

On March 11, 1942, the United States attorney for the Middle District of Alabama filed an information against Sessions Co., Inc., a corporation at Enterprise, Ala., alleging shipment within the period from on or about October 2 to on or about December 30, 1940, from the State of Alabama into the States of Georgia, Mississippi, Louisiana, and Tennessee, of quantities of peanut butter that was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Goldcraft [or "School Day" or "Armour's Star \* \* \* "] Peanut Butter."

On March 31, 1942, the defendant having entered a plea of nolo contendere, the court imposed a fine of \$20 on each of the five counts, totaling \$100.

**2776. Adulteration of almond paste. U. S. v. 3 Cases of Almond Paste. Default decree of condemnation and destruction. (F. D. C. No. 5976. Sample No. 58166-E.)**

This product contained insect fragments.

On October 6, 1941, the United States attorney for the District of Minnesota filed a libel against 3 cases of almond paste at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce on or about September 16, 1941, by Wood & Selick Co. from New York, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Favorite Almond Paste."

On March 4, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

### FATS AND OILS

**2777. Adulteration and misbranding of oil. U. S. v. Alberti Importing & Exporting Co., Inc. Plea of guilty. Fine, \$25. (F. D. C. No. 4188. Sample Nos. 36216-E, 36944-E.)**

Examination showed that this product was cottonseed oil containing little or no olive oil, artificially flavored and colored to simulate olive oil.

On October 20, 1941, the United States attorney for the District of Massachusetts filed an information against Alberti Importing & Exporting Co., Inc., Boston, Mass., alleging shipment on or about August 7 and October 28, 1940, from the State of Massachusetts into the State of Maine of quantities of oil which was adulterated and misbranded. The article was labeled in part: "Berta Brand Ollo (design of a woman in a garb suggesting Italian origin) Contents One Gallon Contains 5% Pure Olive Oil and 95% Cottonseed Oil."